

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

TERRY DODGEN

PLAINTIFF

VS.

CIVIL ACTION NO. 3:14-cv-131-WHB-RHW

WAL-MART STORES EAST, LP

DEFENDANT

ORDER

This cause is before the Court on Plaintiff's Motion to Dismiss Amended Complaint.

Plaintiff originally filed his Complaint naming Wal-Mart Stores, Inc., as the only defendant. Upon learning that Wal-Mart Stores, Inc., was an improper defendant to the action, Plaintiff filed an Amended Complaint, which included Wal-Mart Stores East, LP, as an additional defendant. Thereafter, an Agreed Order was entered by which Wal-Mart Stores East, LP, was substituted as the proper party in interest, and Wal-Mart Stores, Inc., was dismissed from the action. See Order [Docket No. 10]. Plaintiff has now moved to dismiss the Amended Complaint, and have the case proceed under the original Complaint with Wal-Mart Stores East, LP, having been substituted for Wal-Mart Stores, Inc.

Having considered the pleadings, the Court finds Plaintiff has failed to show that dismissal of the Amended Complaint is warranted. With the filing of the Amended Complaint, Wal-Mart Stores East, LP, was named as a defendant in this case, and with the Agreed Order of substitution, Wal-Mart Stores, Inc., was dismissed as a defendant in this case. Accordingly, this

litigation shall proceed on the Amended Complaint, and shall proceed only against Wal-Mart Stores East, LP.

IT IS THEREFORE ORDERED that the Motion to Dismiss Amended Complaint [Docket No. 7] is hereby denied.

IT IS FURTHER ORDERED that Defendant shall have ten days, up to and including March 28, 2014, to file its Answer to the Amended Complaint.

SO ORDERED this the 18th day of March, 2014.

s/ William H. Barbour, Jr.
UNITED STATES DISTRICT JUDGE